REMARKS

The Office Action mailed January 9, 2003 has been reviewed and carefully considered. Claim 1 has been amended. Claims 1-7, 9, and 10 are pending in this application, with claim 1 being the only independent claim. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed January 9, 2003, the claims were objected to as containing a minor informality. Claim 1 has been amended as suggested by the Examiner. Accordingly, it is respectfully requested that the objection to the claims now be withdrawn.

Claims 1-7, 9, and 10 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,244,063 (Laurien).

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention relates to a vibration damper having a damping valve 3 with a variable damping force. Additionally, the present invention includes further non-return valves 1 and 2 in series with the damping valve 3. Non-return valve 1 allows flow therethrough and provides a damping force in the compression stage of the vibration damper and non-return valve 2 allows flow therethrough and provides a damping force in the rebound or extension stage of the vibration damper. The non-return valves 1, 2 generate a soft damping characteristic of the vibration damper in the compression and rebound stage, respectively. The damping valve 3 is adjustable to offset the soft characteristics (see page 4, lines 8-16 and page 10, lines 1-8 of the application). That is, when the damping valve is not actuated, the soft characteristics of the vibration damper are exhibited.

Laurien discloses a controllable hydraulic shock absorber, i.e., vibration damper, having a piston with a valve arrangement which is diagrammatically shown in Fig. 1b. The valve

arrangement of Laurien includes four non-return valves P1 - P4 and a damping control valve P5 (col. 4, lines 37-39). In Figs. 2 and 4, plate valves 17 and 18 correspond to non-return valves P1 and P2 and plate valves 34 and 35 correspond to non-return valves P3 and P4 (see col. 5, lines 59-66 and col. 6, lines 49-54). Valve body 23 interacts with valve seat 24 and corresponds to valve P5. An armature 28 is arranged in a bore between two springs 29 and 30 (col. 6, lines 15-25). The helical compression spring 30 is arranged under stress between the armature 28 and the valve body 23 so that the series arranged springs 29, 30, with the armature 28 interposed therebetween, urge the valve body 23 to the closed position against the valve seat 24 (col. 6, lines 25-29). The armature is axially movable within magnet coils 26 and 27.

The stroke movement of the piston of the vibration damper of Laurien occurs when a minimum force is exerted that is sufficient to overcome the throttle resistances of the plate valves 17, 18, 34, 35, and valve body 23 (col. 7, lines 13-17). Magnet coils 26, 27 are selectively activatable to exert a force on the armature 28 to thereby lower or raise the throttle resistance of the valve P5 (col. 7, lines 18-24). That is, the valve P5 can be adjusted toward a soft damping characteristic or toward a hard damping characteristic from a non-activated state. Since valve P5 is actuated to lower or raise the throttle resistance, the variable damping action of valve P5 disclosed by Laurien is used to achieve the soft characteristics. Accordingly Laurien fails to teach or suggest "the damping force of said first and second non-return valves generating a soft characteristic of said vibration damper" and "the variable damping action offsets the soft characteristic generated by the damping force provided by each of said first and second non-return valves", as recited in independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 is not anticipated by Laurien under 35 U.S.C. §102.

Since Laurien discloses that the valve P5 is adjustable for raising or lowering the damping characteristic, Laurien teaches that the adjustable valve must be adjusted to exhibit the soft characteristics and therefore teaches away from independent claim 1 which requires that the damping action offsets the soft characteristic. Since Laurien teaches that the adjustable valve must be actuated to achieve the soft characteristics, the control scheme taught by Laurien teaches away from the control scheme recited in independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 is also allowable over Laurien under 35 U.S.C. §103.

Dependent claims 2-7, 9, and 10, being dependent on independent claim 1, are allowable for at least the same reasons that independent claim 1 is allowable.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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